

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

- 1. Name of Project SIGNATURE PROFESSIONAL CENTRE
2. Location of Project 7430 - US 42
3. Total Acreage of Site 0.939 Acres +
4. Current Zoning of Site O-1 and SR-1
5. Proposed Zoning (Classification being requested) O-1
6. Proposed Uses (please specify each use) Two-story Office Building
7. Names of Applicant(s) Dale McPherson
8. Address of Applicant(s) 287 Buttermilk Pike
9. Name of Property Owner(s) Ernest E. and Wilma J. Steele
10. Address of Property Owner(s) 7430 - US 42
11. Proposed Building Intensities (please specify) 16087 SF/Acre
12. Are there any existing buildings on the site? Yes
13. Deed Book 303 Page No. 298 Group No. 2034
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? Attached
16. Have you had a pre-application meeting with BCPC Staff? NO
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
Florence Water and Sewer Commission
Union Light Heat and Power
Cincinnati Bell
Owen County Rural Electric
Boone County Public Works Department
Kentucky Transportation Cabinet
X City of Florence Public Services Department
Boone County Building Department

(over)

# EXHIBIT "A"

## STAFF REPORT

Request of **Dale McPherson (applicant)** for **Ernest E. Steele and Wilma J. Steele (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for 0.37 acres of the 0.94 acre site located at 7430 US 42, Florence, Kentucky. The request is for a zone change for the rear portion of the property to permit a 15,100 square foot office building.

January 28, 1998

### **Proposal**

The Applicant is requesting a zoning map amendment from Suburban Residential One (SR-1) to Office One (O-1) for the purpose of constructing an office building on a .94 acre site which is located at 7430 US 42 in Florence. The proposed zoning map amendment is for the rear 0.37 acres of the site. The front portion of the site (0.57 acres) is currently zoned Office One (O-1). In addition to the application, the applicant has submitted a concept development plan that includes landscaping.

The concept development plan contains one two-story office building with an area of 15,106 square feet. The building is centrally located on the site between two proposed parking lots. The two parking lots totaling 61 spaces, contain the minimum parking spaces required for a 15,106 square foot office building. The landscaping plan includes saving and incorporating several existing trees into the layout and design of the site. The rear parking lot is surrounded with trees, shrubs, and a 6 foot high fence. The site has one access onto US 42 similar to the location of the existing driveway.

### **Site Characteristics**

The site is characterized by a mature stand of Pin Oaks that were planted along the driveway and the front sides of the property. These oaks now exceed 50 feet in height and dominate the site. A one story residence sits on the site in the same general location as the proposed building. The site has approximately 125 feet of frontage along U.S. 42. The first 200 feet of property set back from U.S. 42 are zoned Office One (O-1). The back portion of the site, which pertains to the requested zoning map amendment also has a depth of approximately 200 feet, but the width is reduced from 125 feet to approximately 69 feet.

### **Surrounding Land Uses and Zoning**

The rear portion of the site adjoins three Scott Street residences, the Northern Kentucky Church of Christ, and the rear portion of the Dorsey property. These properties are zoned Suburban Residential One (SR-1) and Suburban Residential Two (SR-1). The front portion

of the site is adjacent with Heritage Bank to the west and the Dorsey residence to the east. All of the bank property and the front portion of the Dorsey property are zoned Office One (O-1). South of the site, across US 42, is Niblack Drive, the Florence Public Library, and a single family residence. These properties are part of a Public Facilities (PF) district.

### **Relationship to the Comprehensive Plan**

The 1995 Boone County Comprehensive Plan's Future Land Use Map indicates the site's future land use classification as "*Suburban Residential*" and is defined as "*single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision.*"

The 1995 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

"Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, but only in appropriately planned and designed neighborhood developments" (Overall, Objective 2), p. 4.

"New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life while allowing a reasonable economic return," (Environment, Goal), p. 5.

"New development or redevelopment shall attempt to design sites utilizing existing topography and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially where possible," (Environment, Physical Objective 5), p. 5.

"Appropriate locations for businesses compatible with the surrounding areas are provided in Boone County," (Business Activity, Goal), p. 7.

"Compact, efficient development patterns shall be encouraged for business districts (e.g., industrial, commercial, and office) with appropriately sized and well-maintained buffer spaces between the business use and other land usage," (Business Activity, Overall Objectives), p. 7.

"Small scale mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood," (Business Activity, Commercial (Retail and Office) Objective 2), p. 7.

The Comprehensive Plan's Business Activity Element does not address this specific area of Florence except to recognize:

"Many problems with the location and arrangement of commercial uses have emerged, especially along KY 18 and U.S. 42," p. 82.

The Land Use Element for the Florence Area makes the following comments about the core area of Florence which includes this site:

"The area east of I-75, north of U.S. 42, and south of KY 18 shall be developed in a cohesive manner to form a city center for Florence. This area, which contains a large tract of undeveloped land, is accessed by the newly constructed Ewing Boulevard, and will be the future location of the new Florence City Building. A mixture of office, retail, commercial, recreation, and residential development is the goal," p. 227.

### **Staff Concerns/Comments**

1. The applicant's submitted concept development plan does not follow the requirements for setbacks and landscaping that are used to separate non compatible land uses, which in this case would be used to provide a buffer between office and residential uses. The buffer yard requirement between suburban residential uses and office uses is 30 feet when fences, berms, or walls are incorporated into the design. The applicant may however, request a waiver of any requirements of the landscaping regulations due to unusual or extreme circumstances which cause an unreasonable hardship such as the size of the lot (69 feet in width), or when an innovative or alternative approach can be made which still meets the intent and purpose of Article 36 of the 1996 Boone County Zoning Regulations. The applicant's landscaping plan, submitted as part of the concept development plan has made such an attempt. The applicant has indicated that a waiver of the landscaping requirements will be sought.
2. The applicant has not addressed issues such as proposed office uses, the intended hours of operation, and the need for lighting the parking lot and the outside of the building. These issues may or may not impact the adjacent residential properties.
3. Because the oak trees dominate the character of the site, every attempt should be made to preserve as many trees as possible. The concept development plan indicates that four of the 11 oaks will be removed, two due to parking and two due to the proposed location of the building. Staff suggests that the applicant explore alternatives with the front parking lot that may include a reduction of spaces, because constructing the parking lot as proposed may cause damage to the trees that are to remain.

**Conclusion:**

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the criteria necessary for approving a Zoning Map Amendment and Planned Development as stated in Article 3, "Amendment" of the Boone County Zoning Regulations. If recommended by the Planning Commission and the Florence City Council, the Future Land Use Map would need to be amended.

Respectfully submitted,



Edward Coleman  
Planner

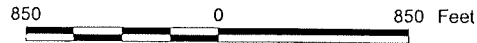
EC\pr

Attachments:

- Location Map
- Site Map
- Proposed Concept Development Plan
- Landscaping Plan
- Zoning Map



# Steele Property 7430 US 42

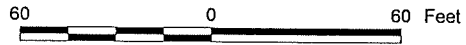


1 inch equals 850 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 January 26, 1998



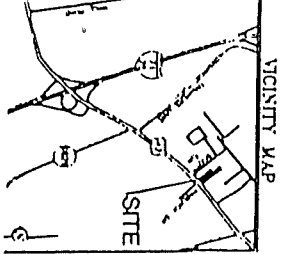


Steele Property  
7430 US 42, Florence, KY



1 inch equals 60 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 27, 1998



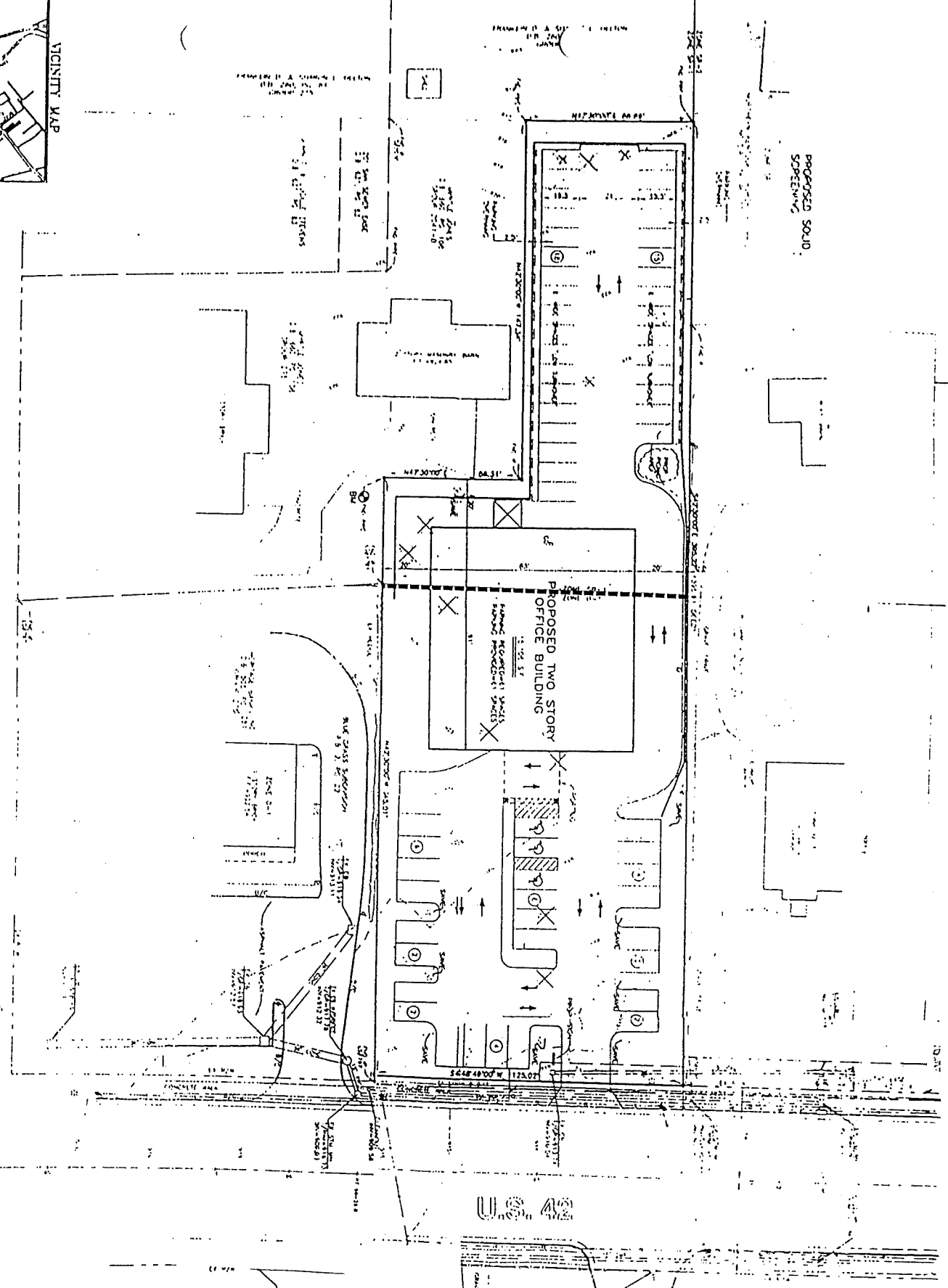


**NOTES**

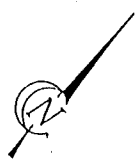
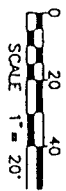
1. All dimensions are based on the ground surface. The proposed building is shown on the ground surface. The proposed building is shown on the ground surface. The proposed building is shown on the ground surface.

2. The proposed building is shown on the ground surface. The proposed building is shown on the ground surface. The proposed building is shown on the ground surface.

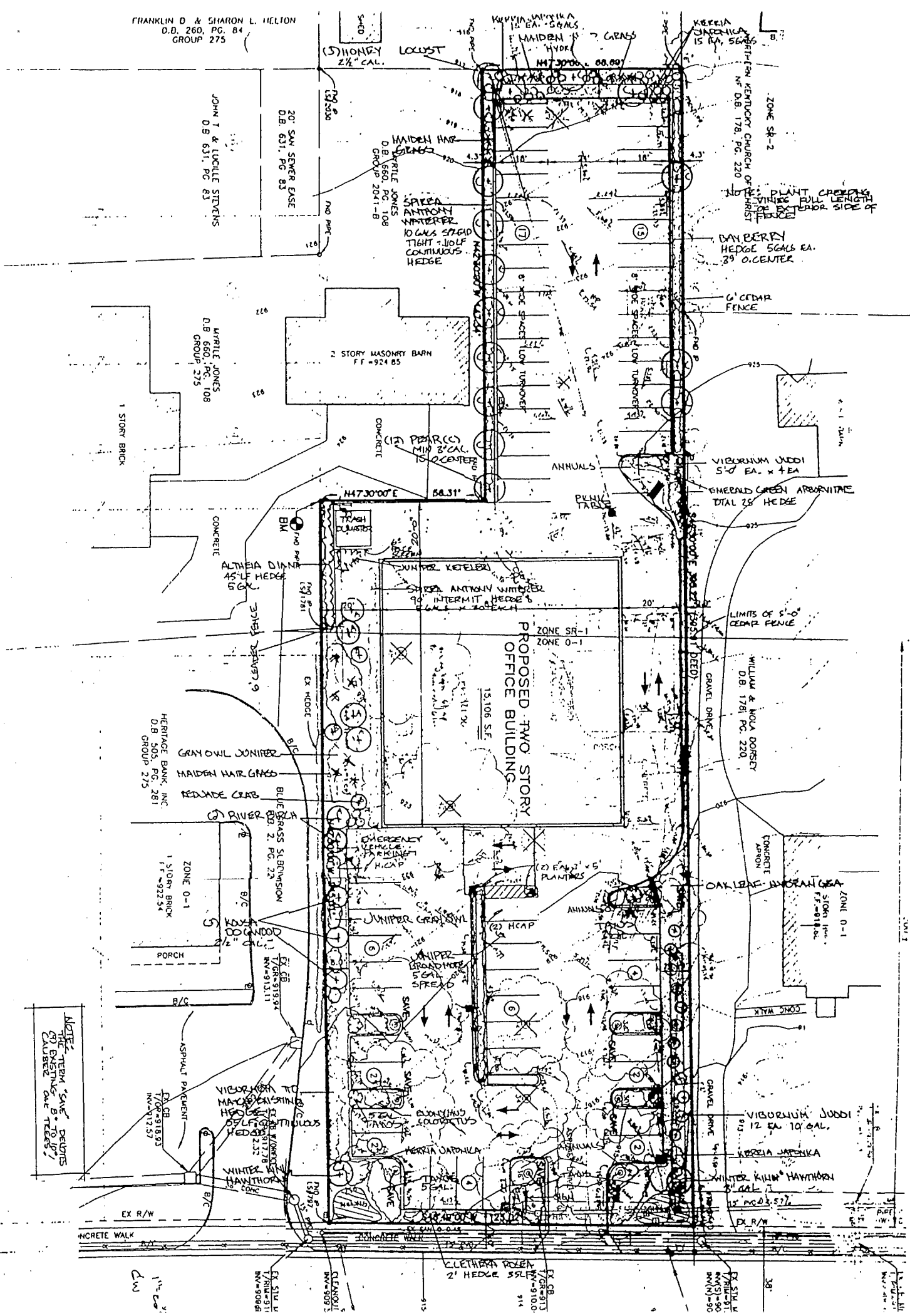
**SOUTH STREET**



TOTAL SITE AREA: 0.939 ACRES



Note: Landmark surveying details subject to approval by the Survey Administration



JOHN T & LUCILLE SIMPENS  
D.B. 631, P.C. 83

MYRTLE JONES  
D.B. 660, P.C. 108  
GROUP 275

HERITAGE BANK, INC  
D.B. 505, P.C. 281  
GROUP 275

ZONE O-1  
1 STORY BRICK  
F.F. 922.54

EX. ST. U  
7/10/81-91  
NN-908B

(S) HONEY LOCUST  
2 1/2" CAL.

MYRTLE JONES  
D.B. 660, P.C. 108  
GROUP 204-1-B

(12) PEAR(C)  
MIN 3" CAL.  
15' O.CENTER

EMERGENCY VEHICLE  
PARKING  
H.CAP

EX. ST. U  
7/10/81-91  
NN-908B

PROPOSED TWO STORY  
OFFICE BUILDING  
15,106 S.F.

CLETHRA POLKA  
2' HEDGE  
7/08-813  
NN-910-0  
914

EX. ST. U  
7/10/81-91  
NN-908B

NOTE:  
THE TERM 'SAVE' DENOTES  
THE OBLIGATION TO  
PRESERVE EX. TREES

PLANT CROWN  
SPACES FULL LENGTH  
OF EXTERIOR SIDE OF  
FENCE

BAY BERRY  
HEDGE 5GALS EA.  
39' O.CENTER

VIBURNUM JUDDI  
5'0 EA. x 4EA  
EMERALD GREEN ARBORVITAE  
DIAL 25' HEDGE

LIMITS OF 5'-0"  
CEDAR FENCE

WILLIAM & NOLA DORSEY  
D.B. 1781, P.C. 220

ZONE O-1  
1 STORY BRICK  
F.F. 918.84

VIBURNUM JUDDI  
12 EA. 10' GAL.  
KEREIA JAPONICA  
WINTER KILIM HAWTHORN  
12' GAL. 572

381



PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett, Secretary/Treasurer, Mr. Caddell, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. White - Temporary Presiding Officer.

Chairman Millay introduced the second item on the Agenda:

2. Applicant: Dale McPherson for Ernest E. Steele and Wilma J. Steele (owners)

Request: Zoning Map Amendment

The request of Dale McPherson (applicant) for Ernest E. Steele and Wilma J. Steele (owners) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for 0.37 acres of the 0.94 acre site at 7430 US 42, Florence, Kentucky. The request is for a zone change for the rear portion of the property to permit a 15,100 square foot office building.

Staff Member Ed Coleman presented the Staff Report which included a GIS presentation of the site (see Staff Report).

Chairman Millay asked for the applicant's presentation.

Mr. Jay Bayer with Bayer & Becker Engineers representing the applicant, Mr. Dale McPherson, and the property owners, Ed and Wilma Steele, distributed copies of the zoning map for the area showing the site colored in orange. Mr. Bayer stated that the zoning line cuts through the area shown in orange and splits the site. The site is approximately one acre, and the rear portion is .37 acre. Mr. Bayer stated that the Planning Commission's function is to try to put zoning lines on the property lines -- which is what they are requesting. He stated that the front portion of the site is zoned O-1, and they are requesting that zoning.

Mr. Bayer stated that the applicant is Signature Homes, and Mr. McPherson is the President. Signature Homes was founded in 1990 and does high-end construction. Their average price in 1997 was \$470,000. He stated that Mr. McPherson sent a letter to the neighbors explaining that he would be submitting a Site Plan for the site, and that they will be building an upscale office building on the site while saving eight of the oak trees on the property. He stated that the architectural style of the building is Colonial with columns in front, a hip roof, and shutters. The building will look like a stately southern mansion. The inside of the building will have marble floors, mahogany doors, an oak stair case, an elevator, and complete handi-capped access. It will be one of the most beautiful locations in Florence and will house their corporate offices. There will be small tenant spaces available for

lease. It will be strictly offices, and no retail, for a low traffic count. There will be a six-foot fence and landscaping design elements to soften the boundaries. There will be additional landscaping throughout the site. They will have a high quality site and high quality materials. He presented an exhibit board showing a rendering of the proposed building. He stated that the building has a residential feel. He presented and reviewed a colored copy of the Site Plan. He indicated the location of the current zoning line and stated that the front of the site is zoned O-1. He stated that they will provide parking at the back of the building. Great effort will be made to preserve the large trees in the front. The trees are a major asset to the City of Florence, and the Florence city facilities are across the street. He stated that they meet the parking requirements. They are providing the parking in the back to save the trees.

Mr. Bayer referred to the Comprehensive Plan and the findings of fact under KRS 100.213. He stated that the small adjustment to the zoning line would put them in agreement with the Comprehensive Plan. He stated that in September, 1996 a zone change took place just down the street on the Stith Funeral Home site at Scott Street and US 42 -- and they are doing the same thing in regard to the zoning line. That application moved the O-1 zoning line back slightly. Mr. Bayer quoted from the Economy Element of the Comprehensive Plan, Item 7, Page 7, and stated that this is a prime example of an infill lot. He stated that they are not developing new ground -- they are filling in an existing parcel. Water, sewer, and access are already in place. He quoted from the Environment Element of the Comprehensive Plan on Page 5 and stated that they are making a great effort to save the trees in the front of the site, which are an asset for the area. The landscaping architect will be Harbor Landscaping. There will be an extensive underground water system within the paved area around the trees to preserve them. He referred to Page 6 of the Comprehensive Plan in regard to existing vegetation and stated that he has already discussed this point. He stated that on Page 87 of the Comprehensive Plan is the Future Industrial and Commercial Development Map, and it shows the area along US 42 as being a commercial and industrial area. He stated that they are in general agreement with the Comprehensive Plan. He stated that this is a small adjustment to the zoning line. He referred to Page 227 and quoted from the Land Use Element of the Plan that "Commercial development shall remain near arterial roads" and stated that this is an arterial road. He stated that they meet this goal of the Comprehensive Plan.

Mr. Bayer stated that the property is partially zoned Office now and they are asking for an adjustment in the zoning line so that it matches the property line. He offered to answer any questions.

Chairman Millay asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Mr. Steve Conrad stated that he is representing his mother, Myrtle Jones who lives at 8 Scott Drive, and her neighbors Frank Helton at 12 Scott Drive, and Mr. & Mrs. Stevens at 10 Scott Drive. He submitted their letter for the record (see Exhibit 1). Mr. Conrad stated that the original zoning along the US 42 corridor was Office-One, which allows for light office use. The intent was for soft commercial to abut single-family residences. He stated that the proposed change will extend the O-1 beyond the houses in front. He stated that the front of a house is the formal side. He stated that when Stith Funeral Home asked to extend their parking lot, most people did not object because the fronts of the houses were involved. In this case, they are extending the parking lot behind three homes. This request goes much further back than the Stith Funeral Home request. He stated that when they walk out their back doors there will be a commercial parking lot there, which will violate their privacy and create problems. Parking lots often attract vehicles whose owners may not be transacting business -- and there may be parking there after hours that may jeopardize their security and privacy. Parking lots are often used for waste receptacles and the wind will blow the trash into the residential yards. He stated that they do not oppose the office building and realize that the US 42 corridor is for offices. They are opposed to extending the parking lot behind the residential area. He asked if any of the neighbors wished to speak. There was no response.

Chairman Millay asked if there was anyone else present who wished to speak in opposition.

Mrs. Betsy Conrad, speaking on behalf of her mother-in-law who lives at 8 Scott Drive, stated that her mother-in-law's back porch is where the family gathers for picnics and get-togethers and the parking lot would be just a few yards away from what has been a private and lovely space. She stated that they are destroying one-third of the oak trees (four out of twelve trees). She stated that the applicant said this was a "small adjustment" to the zoning map -- but it is not "small" to the property owner on Scott Drive against whose property the cars will be parked. She stated that there were no residences on the east and west sides of the Stith Funeral Home property. The change for the funeral home only impacted one house on Scott Drive and landscaping arrangements were made with that property owner. She stated that "fill-ins" are generally used when there is an undeveloped lot between developed lots. In this case, there is a residence there and they are replacing it. She noted that Mr. Bayer said that they are working hard to save the area in front by putting the parking in the rear -- and that is nice for the city building (which will not be the city building much longer), but it is a negative impact, not a positive impact, for the property to the rear.

Chairman Millay asked if there was anyone else present who wished to speak in opposition to the request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Schaffer asked Staff to address the intensity of the project compared to what would be allowed under the current zoning. Mr. Coleman stated that the front portion of the site, which is approximately .57 acre, is zoned Office and they would be allowed 11,400 square feet of office space, with the required 46 or 47 parking spaces. Mr. Costello added that they would have to meet the setbacks. Mr. Coleman stated that with the additional .37 acre, they could have about 19,000 square feet of office space -- if they can meet the setback requirements.

Mrs. Schaffer stated that it is an attractive project, but they are stuffing it onto the parcel. She stated that on previous applications there have been concerns about the encroachment into residential areas, and the Planning Commission has always been concerned about adjoining property owners. She stated that Staff Concern #1 indicates that the Concept Development Plan does not follow the setbacks and landscaping requirements that were just implemented in the landscaping regulations, and she is concerned about this. She is not sure that she is ready to grant any Waivers in regard to those regulations. She is also concerned about the intrusion into the residential area. She stated that the adjoining property owners' concerns and the traffic need to be addressed.

Mrs. Arnett questioned the buildings on the east and west sides of the lot. Mr. Coleman stated that they are barns.

Mrs. Arnett asked if the Site Plan shows an exit at the back. Mr. Coleman responded "no" and stated that there is nowhere to exit to at the back and there is no place to tie into.

Mrs. Arnett asked if the use is just sales and administrative offices. Mr. McPherson stated that it is administrative sales.

Mrs. Smith asked if the use will be strictly offices -- she stated that it is a construction company, but there cannot be bulldozers and backhoes there. Mr. McPherson agreed and emphasized that it is a professional office.

Mr. Neltner noted that Staff indicated that there is the possibility of fewer parking spaces. He asked if the number of spaces shown is based on the requirements. Mr. Coleman stated that they are proposing 61 spaces, which is the minimum number required based on the square footage of the office building. He questions that they will need that many -- but they would need a Waiver to have fewer spaces.

Mr. Neltner noted that Staff indicated that the applicant intends to seek a Waiver for the setbacks and sideyards. He asked what they plan to offer to make a Waiver acceptable.

Mr. Bayer reviewed the Site Plan. He stated that the building as proposed, if the zone change is granted, meets all of the building setbacks and the issue is the landscaping setback areas. He stated that

they have met with the City of Florence and the Staff, and they will submit a Waiver request for the landscaping. They will ask to have a six-foot high fence to buffer the parking from the residences, instead of a large buffer area. Mr. Neltner asked what kind of fence it would be. Mr. Bayer responded that it would be a wood fence with landscaping on the outside to soften the look of the fence.

Chairman Millay asked if there were any further comments. There being no response, he stated that the Committee Meeting for this item will be on February 9, 1998 at 4 P.M. in the Second Floor Conference Room. This item will be on the Agenda for the Business Meeting on February 18, 1998 at 7:30 P.M..

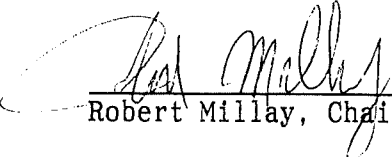
Mr. Bayer asked for rebuttal time. Chairman Millay allowed him to speak.

Mr. Bayer stated that the wood fence would surround the perimeter of the site to screen the adjoining properties. He stated that the "L" shaped property is a barn, not a residence. He stated that on the other side of their site is a residence zoned Office and he indicated the barn on that side. He indicated the newly constructed church. Chairman Millay advised that the Planning Commission has this information and it can be discussed in Committee.


Mrs. Conrad questioned attending the Committee Meeting. Chairman Millay advised that it is not a Public Hearing, but those interested can attend. Whether they can speak or respond to questions would be up to the Chairman of the Committee.

The Chairman closed this Public Hearing.

APPROVED:

  
Robert Millay, Chairman

Attest:

  
Jan Hancock, Recording Secretary

January 28, 1998

EXHIBIT 1

To: The members of Boone County Planning Commission and Florence City Council

Re: The request of Dale McPherson (applicant) for Ernest E. Steele and Wilma J. Steele (owners) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for 0.37 acres of the 0.94 acre site located at 7430 U.S. 42, Florence, Kentucky, for a zone change for the rear portion of the property to permit a 15,100 square foot office building.


We, the undersigned, being property owners abutting the above-cited subject property, wish to record our opposition to the proposed zone change referenced above. The proposal, if granted, would extend a business zoning designation and commercial activity far beyond the standard depth along a transportation corridor, and allow it to penetrate deep into a residential area in which the homes have a relatively high property valuation, and which provide significant real estate tax revenues to both the City of Florence and the County of Boone.

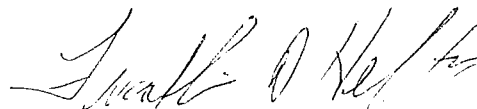
This proposal, if granted, would directly impact our properties, allowing a business parking lot to be located just yards from our back doors, thus ruining the degree of privacy that we have. It would negatively impact our property values as well as our quality of life.

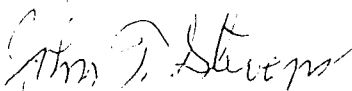
Parking lots often attract vehicles, the owners of which are not intending to transact business in the office, but who may find it advantageous to their purposes to park there for any number of reasons, even after normal business hours. This may jeopardize our security as well as the privacy we have in our rear yards. We all know that parking lots are often used for waste receptacles - people empty their ashtrays on the ground or discard the waste paper (or worse) from their vehicles - and this refuse will be carried by the wind into our yards.

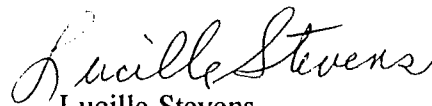
Perhaps the applicant has what he will tell you may be a "low impact" business, that is, one for which the normal business hours are limited, and the number of anticipated vehicles low. Please think beyond this. This business may sell to another in a year or two, or three. The next occupant of that property might very well have a heavier impact. Perhaps the applicant will tell you he will erect a fence. But fences deteriorate with time, and are not aesthetically desirable.

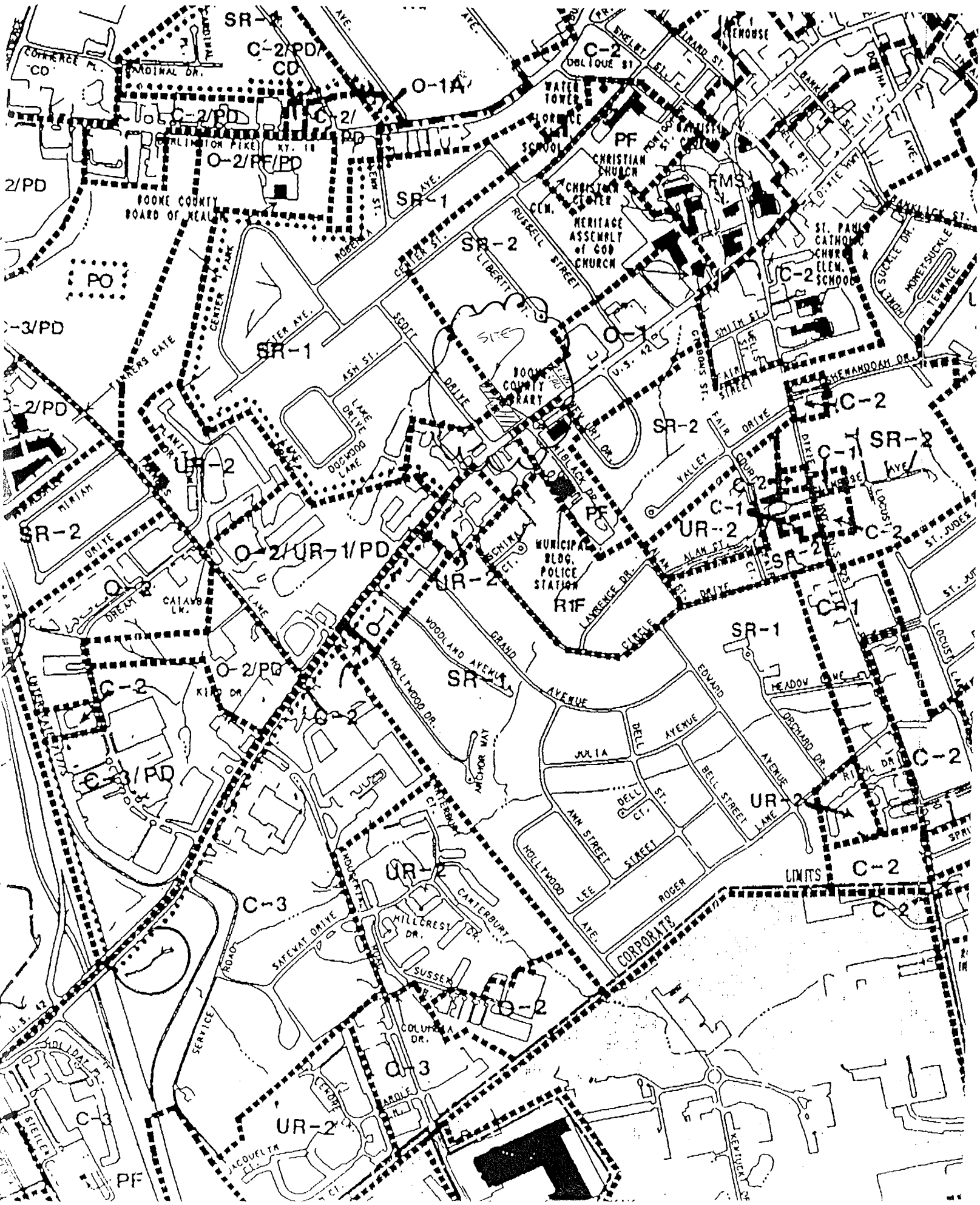
In far too many instances over the past several decades, the needs of Florence residents have been ranked below the desires of the commercial interests that have descended upon our community like buzzards upon carrion. Please don't let this happen again.

  
Myrtle Jones  
8 Scott Drive

  
Frank Helton  
12 Scott Drive

  
John T. Stevens  
10 Scott Drive

  
Lucille Stevens  
10 Scott Drive



BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
February 18, 1998  
7:30 P.M.

---

---

Mr. Robert Millay, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer  
Mr. Terry Blades  
Mr. Arnold Caddell  
Mr. Don McMillian  
Mr. Bob Millay, Chairman  
Mr. Barry Neltner, Vice Chairman  
Mr. Robert Ries  
Mrs. Linda Schaffer  
Mrs. Carol Smith  
Mr. William Viox  
Mr. Earl White, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom  
Mr. Mike McKinney  
Mr. Ralph Rush

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Mr. Ed Coleman  
Ms. Jan Hancock, Secretary  
Mr. Mitch Light  
Mr. Greg Sketch  
Mr. Kevin Wall, AICP

Mr. McMillian moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mr. Ries seconded the motion. A vote on the motion found all voting members in favor. Mr. Caddell abstained due to his relationship with Heritage Bank. The motion carried.

ACTION ON PLAN REVIEWS:

1. Boone County Subdivision Regulations

The request of the Technical/Design Review Committee to hear presentations and comments regarding possible text amendments to the Boone County Subdivision Regulations. The proposed amendments also include changes to the Boone County Street, Storm and Sidewalk Specifications.

Chairman Millay stated that Agenda Item #1 is recommended for deferral to the March 4, 1998 Business Meeting. Mr. Viox so moved. Mrs. Smith seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Jang Construction, Inc. (applicant) for Deborah Hossman (owner) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for an approximate 9-acre site at 3095 and 3101 Hossman Road, Boone County, Kentucky. The request is for a zone change to allow a multi-purpose office/distribution building.

Mr. Costello stated that a letter has been received from the applicant requesting deferral of this request to the March 18, 1998 Business Meeting. Mr. McMillian so moved. Mrs. Smith seconded the motion and it carried unanimously.

3. Zoning Map Amendment

The request of Dale McPherson (applicant) for Ernest E. Steele and Wilma J. Steele (owners) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for 0.37 acres of the 0.94 acre site at 7430 U.S. 42, Florence, Kentucky. The request is for a zone change for the rear portion of the property to permit a 15,100 sq. ft. office building.

Staff Member Ed Coleman presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions. Mr. Coleman stated that he received letters from two adjacent property owners on Scott Street (Helton and Stevens) who were opposed to the request at the time of the Public Hearing, but are now stating that they are in favor (see Exhibits 1 and 2).

Mr. Viox stated that the conditions that the applicant may have agreed to with the adjoining property owners have to do with comments made at the Public Hearing. He asked that those conditions be stated and that they be made part of the Committee Report so that if the Committee Report is approved, those conditions will also run with the land.

Mr. Dale McPherson, representing Signature Homes, stated that they can move the building forward about 11 feet -- which is as close as they can go to U.S. 42 and still save the trees. They have agreed to move the adjoining fence (Jones property) 10 feet on their property with a berm 4' - 5' high and landscaping on top of the berm for an additional 4' - 5'. They also agree to change the trees to River Birch, which are 12' - 14' and 3" caliper, and they will grow 3' - 4' a year. Mr. Bayer stated that Mr. McPherson's letter (see Exhibit 3) is part of the Committee Report and contains the conditions.

Mr. Viox asked that the letters be made a part of the record.

Mr. Viox moved by resolution to the City of Florence that the request be approved based on the Committee Report and the conditions outlined in Mr. McPherson's letter. Mr. Neltner seconded the motion.

Mrs. Schaffer questioned how Condition #2 in the Committee Report addresses Staff Concern #1 in regard to the buffer yard requirement. She asked if a Waiver of the landscaping requirements will still be needed. Mr. Coleman responded "yes" and stated that they will still need to contact the Zoning Administrator in regard to the Waiver. Mrs. Schaffer asked how much of a Waiver they would require. Mr. Coleman stated that the landscaping area would be reduced to 30 feet to the properties zoned SR-1 with the berm. Mrs. Schaffer asked how much of a Waiver would be required. Mr. Costello stated that they would be seeking a Variance of 22 feet. They are moving the fence eight feet so that the berm can be on the other side. Mrs. Schaffer asked if all of the surrounding property owners have agreed to this. Mr. Coleman stated that letters were received from two of the four property owners (10 and 12 Scott Street). Those property owners were at the Public Hearing and were not in favor of the project at that time. They have now indicated that they are in favor of what is shown on the Concept Development Plan.

Mrs. Schaffer questioned the lighting for the parking lot. Mr. Coleman stated that it was not included as a condition. Mrs. Schaffer asked if they can have any kind of lighting -- including lighting that will flood onto the residential areas. Mr. Coleman responded "no" and stated that those items will be looked at at Site Plan Review. He stated that it was discussed in Committee that they will not have any lighting greater than 12 feet.

Mrs. Schaffer stated that the Waiver of 22 feet is a problem. She is glad they are working with the adjoining property owners. She stated that they are asking for a Waiver of 22 feet because of the density and the 61 parking spaces required because of the 15,000+ square footage. They are trying to put too much on a small lot.

Mr. McMillian asked if there was discussion with the property owners to the rear who spoke at the Public Hearing. He asked if they were satisfied with this. Mr. Coleman responded that the property owners to the rear did not speak at the Committee Meeting. They were against the request at the Public Hearing. He not spoken with them. He noted that letters (Exhibits 1 and 2) were received from 10 and 12 Scott Street.

There being no further discussion, Chairman Millay asked for a vote on the motion made by Mr. Viox which found Mr. Blades, Mr. Caddell, Mr. McMillian, Chairman Millay, Mr. Neltner, Mr. Ries, Mrs. Smith, Mr. White, and Mr. Viox in favor. Mrs. Arnett and Mrs. Schaffer were opposed. The motion carried by a vote of 9 to 2.

4. Change in Concept Development Plan

The request of Corporex Parks of Kentucky, Inc (owner) to consider a Change in Concept Development Plan for approximately 33.5 acres located along both sides of Olympic Boulevard and along the west side of Mineola Pike in Circleport 1 Subdivision, Boone County, Kentucky. The request is for a change in the approved Concept Development Plan to allow hotel, office, retail, bank, and restaurant uses in an Industrial One/Planned Development (I-1/PD) Zone.

Chairman Millay stated that Agenda Item #4 is recommended for deferral to the March 4, 1998 Business Meeting. Mr. McMillian so moved. Mr. Neltner seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an approximate 9.3 acre tract at 115 Walton-Nicholson Pike, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by Michael D. Murphy and Mark A. Catton.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. Viox moved by resolution that the request be approved and the recommendation sent to the City of Walton. Mr. Blades seconded the motion and it carried unanimously.

EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: February 18, 1998

RE: Request of **Dale McPherson (applicant)** for **Ernest E. Steele and Wilma J. Steele (owners)** to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for 0.37 acres of the 0.94 acre site located at 7430 US 42, Florence, Kentucky. The request is for a zone change for the rear portion of the property to permit a 15,100 square foot office building.

### Remarks:

We, the Committee, recommend that the request of Dale McPherson for Ernest E. and Wilma J. Steele for a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) be approved. The Committee's recommendation to approve this request is based upon the following findings of fact and with the following conditions:

### Findings of Fact:

While the request only pertains to the rear .37 acres of the .94 acre site, the recommendation impacts not only the entire site, but the surrounding properties as well. The front .57 acres of the site is currently zoned Office One (O-1) and may be developed for office uses without the need of a zoning map amendment. The Committee has recognized that developing only the front .57 acres of the site with office uses would most assuredly guarantee that the site would have to be leveled and as a result would be the elimination of the site's dominant features, the eleven pin oak trees. The trees would have to be removed in order to create enough area for an office building, building setbacks, and parking requirements.

The Committee has also recognized that maintaining a Suburban Residential One (SR-1) zoning classification on the rear .37 acres would not prevent development from occurring on this portion of the site. As many as two single family detached dwelling units or recreational uses such as a playground or basketball courts could be placed on the site under the current zoning classification.

The Committee has therefore determined that the applicant's request for a zoning map amendment to enable the entire site to develop for the purpose of office uses, including a parking lot for the office on the rear .37 acres, as indicated on the submitted concept development plan, would impact the site and surrounding properties less than potential

impacts that may result from developing the property with only offices on the front portion of the site and residential or recreational uses on the rear portion of the site. Because of uncertainty as to how the site may develop, the Committee finds that the current Suburban Residential One (SR-1) zoning is inappropriate and that the proposed Office One (O-1) zoning is appropriate.

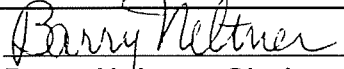
The Committee has concluded that the following conditions shall apply in order to ensure that the applicant's request, as proposed, creates less of an impact on the site and surrounding properties than if developed with Office One (O-1) uses on the front .57 acres and Suburban Residential One (SR-1) uses on the rear .37 acres.


Conditions

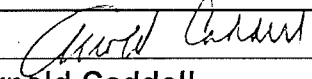
1. The following Office One (O-1) uses, which are permitted in the Boone County Zoning Regulations, shall not be permitted to occur on this site:
  - A. Convenient stores;
  - B. Beauty and barber services and tanning salons;
  - C. Laundering, dry cleaning and dyeing services, including self-service;
  - D. Shoe repair, shoe shining and hat cleaning services;
  - E. Florists;
  - F. Eating and drinking establishments including alcoholic beverages;
  - G. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
  - H. Veterinary services;
  - I. Business colleges or schools;
  - J. Recreation centers, gymnasiums and other related recreational facilities;
  - K. The retail sale of office supplies and equipment;
  - L. Funeral homes and crematoriums excluding cemeteries or mausoleums.

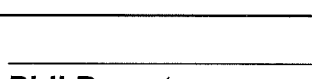
2. The rear parking lot shall be surrounded with landscaping and a solid wooden fence that is constructed to a height of at least six feet as indicated on the proposed Concept Development Plan. Chain link fencing shall not be permitted.
3. The eight pin oak trees designated to remain on the proposed Concept Development Plan shall remain. The applicant shall take all necessary precautions to save these eight trees when a Site Plan is submitted to the City of Florence and to the Boone County Planning Commission for approval.
4. See February 17, 1998 Memo from Dale M. McPherson to Ed Coleman, all items under #2 are conditions of Approval. The applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serves as the basis for this recommendation.


A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

	
<b>Barry Neltner, Chairman</b>	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

	
<b>Terry Blades</b>	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>


	
<b>Arnold Caddell</b>	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

	
<b>Phil Damstrom</b>	
For <input type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input checked="" type="checkbox"/>

	
<b>Bill Viox</b>	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

<b>TOTAL:</b>	<u>4</u> FOR	<u>0</u> AGAINST	<u>0</u> ABSTAIN	<u>1</u> ABSENT
---------------	--------------	------------------	------------------	-----------------

To: Ed Coleman  
Boone County Planning

Fr: Dale M. McPherson   
Signature Homes of N. KY., Inc

Date: February 17, 1998

Re: The request of Dale McPherson (applicant) for Ernest E. Steele and Wilma J. Steele (owners) to consider a Zoning Map Amendment from suburban residential One (SR-1) to Office One (O-1) for only 0.37 acres of the .94 acre site located at 7430 U.S. Route 42, Florence, Kentucky, for a zone change for the rear portion of the property to permit an office building.

Please be advised that several items affecting our request for rezoning the rear portion of our site have been addressed as follows:

1) We have met with the adjacent homeowners, and have now received full and complete support from the Helton and Steven's owners. They have retracted their previous letter, and written a new letter of support (attached hereto). We would appreciate it if these letters could be added to the public record in lieu of the previous letter, as our reputation for working with our neighbors is very important to us as we proceed through the process of rezoning.

It appears that the initial letter was signed without any true knowledge of the scope of our project, nor the efforts we had gone to in saving the beautiful Oak trees and in landscaping the privacy fence.

2) We have met with the Conrads who state they represent the Jones parcel contiguous to our proposal. As a result of that meeting along with Jeff Koenig at the City of Florence, we have agreed to make several revisions if they are approved by staff and the County.

-The building will be moved forward towards U.S. 42 (eliminating three total parking spaces in the front).

-We will relocate the fence adjacent to the Jones property line onto our property approximately 8'-0".

-We will, provided we are granted access, and maintain the current permission from the Jones's representatives, grade a joint and mutual berm approximately four feet high across our property and onto their property approximately 8'-0". This will allow us to place the landscaping shown on our landscaping on top of the berm.

Ed Coleman-Staff  
Boone County  
Feb. 17, 1998  
Rt. 7430 U.S. 42

-We will increase the size of the trees approximately three feet high, and change species to River Birch trees which will provide a faster growth rate, and longer seasonal leaf coverage. They will be planted at a height of 12 to 14 feet high, and placed on top of the berm area.

-We will not place any plantings directly behind the large two story barn adjacent to our property sitting on the Jones property. This will allow ease of maintenance on the barn structure.

Thank you for your consideration in forwarding these decisions to the appropriate person(s). We have tried extremely hard to facilitate a professional and attractive project that will benefit Boone County and The City of Florence for years to come. Hopefully our direct efforts in working with the adjacent property owners is an indication of our commitment to excellence, and our goal of saving existing natural landscaping and trees whenever possible.

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett, Secretary/Treasurer, Mr. Caddell, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. White - Temporary Presiding Officer.

Chairman Millay introduced the second item on the Agenda:

2. Applicant: Dale McPherson for  
Ernest E. Steele and Wilma J. Steele (owners)

Request: Zoning Map Amendment

The request of Dale McPherson (applicant) for Ernest E. Steele and Wilma J. Steele (owners) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for 0.37 acres of the 0.94 acre site at 7430 US 42, Florence, Kentucky. The request is for a zone change for the rear portion of the property to permit a 15,100 square foot office building.

Staff Member Ed Coleman presented the Staff Report which included a GIS presentation of the site (see Staff Report).

Chairman Millay asked for the applicant's presentation.

Mr. Jay Bayer with Bayer & Becker Engineers representing the applicant, Mr. Dale McPherson, and the property owners, Ed and Wilma Steele, distributed copies of the zoning map for the area showing the site colored in orange. Mr. Bayer stated that the zoning line cuts through the area shown in orange and splits the site. The site is approximately one acre, and the rear portion is .37 acre. Mr. Bayer stated that the Planning Commission's function is to try to put zoning lines on the property lines -- which is what they are requesting. He stated that the front portion of the site is zoned O-1, and they are requesting that zoning.

Mr. Bayer stated that the applicant is Signature Homes, and Mr. McPherson is the President. Signature Homes was founded in 1990 and does high-end construction. Their average price in 1997 was \$470,000. He stated that Mr. McPherson sent a letter to the neighbors explaining that he would be submitting a Site Plan for the site, and that they will be building an upscale office building on the site while saving eight of the oak trees on the property. He stated that the architectural style of the building is Colonial with columns in front, a hip roof, and shutters. The building will look like a stately southern mansion. The inside of the building will have marble floors, mahogany doors, an oak stair case, an elevator, and complete handi-capped access. It will be one of the most beautiful locations in Florence and will house their corporate offices. There will be small tenant spaces available for

lease. It will be strictly offices, and no retail, for a low traffic count. There will be a six-foot fence and landscaping design elements to soften the boundaries. There will be additional landscaping throughout the site. They will have a high quality site and high quality materials. He presented an exhibit board showing a rendering of the proposed building. He stated that the building has a residential feel. He presented and reviewed a colored copy of the Site Plan. He indicated the location of the current zoning line and stated that the front of the site is zoned O-1. He stated that they will provide parking at the back of the building. Great effort will be made to preserve the large trees in the front. The trees are a major asset to the City of Florence, and the Florence city facilities are across the street. He stated that they meet the parking requirements. They are providing the parking in the back to save the trees.

Mr. Bayer referred to the Comprehensive Plan and the findings of fact under KRS 100.213. He stated that the small adjustment to the zoning line would put them in agreement with the Comprehensive Plan. He stated that in September, 1996 a zone change took place just down the street on the Stith Funeral Home site at Scott Street and US 42 -- and they are doing the same thing in regard to the zoning line. That application moved the O-1 zoning line back slightly. Mr. Bayer quoted from the Economy Element of the Comprehensive Plan, Item 7, Page 7, and stated that this is a prime example of an infill lot. He stated that they are not developing new ground -- they are filling in an existing parcel. Water, sewer, and access are already in place. He quoted from the Environment Element of the Comprehensive Plan on Page 5 and stated that they are making a great effort to save the trees in the front of the site, which are an asset for the area. The landscaping architect will be Harbor Landscaping. There will be an extensive underground water system within the paved area around the trees to preserve them. He referred to Page 6 of the Comprehensive Plan in regard to existing vegetation and stated that he has already discussed this point. He stated that on Page 87 of the Comprehensive Plan is the Future Industrial and Commercial Development Map, and it shows the area along US 42 as being a commercial and industrial area. He stated that they are in general agreement with the Comprehensive Plan. He stated that this is a small adjustment to the zoning line. He referred to Page 227 and quoted from the Land Use Element of the Plan that "Commercial development shall remain near arterial roads" and stated that this is an arterial road. He stated that they meet this goal of the Comprehensive Plan.

Mr. Bayer stated that the property is partially zoned Office now and they are asking for an adjustment in the zoning line so that it matches the property line. He offered to answer any questions.

Chairman Millay asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Mr. Steve Conrad stated that he is representing his mother, Myrtle Jones who lives at 8 Scott Drive, and her neighbors Frank Helton at 12 Scott Drive, and Mr. & Mrs. Stevens at 10 Scott Drive. He submitted their letter for the record (see Exhibit 1). Mr. Conrad stated that the original zoning along the US 42 corridor was Office-One, which allows for light office use. The intent was for soft commercial to abut single-family residences. He stated that the proposed change will extend the O-1 beyond the houses in front. He stated that the front of a house is the formal side. He stated that when Stith Funeral Home asked to extend their parking lot, most people did not object because the fronts of the houses were involved. In this case, they are extending the parking lot behind three homes. This request goes much further back than the Stith Funeral Home request. He stated that when they walk out their back doors there will be a commercial parking lot there, which will violate their privacy and create problems. Parking lots often attract vehicles whose owners may not be transacting business -- and there may be parking there after hours that may jeopardize their security and privacy. Parking lots are often used for waste receptacles and the wind will blow the trash into the residential yards. He stated that they do not oppose the office building and realize that the US 42 corridor is for offices. They are opposed to extending the parking lot behind the residential area. He asked if any of the neighbors wished to speak. There was no response.

Chairman Millay asked if there was anyone else present who wished to speak in opposition.

Mrs. Betsy Conrad, speaking on behalf of her mother-in-law who lives at 8 Scott Drive, stated that her mother-in-law's back porch is where the family gathers for picnics and get-togethers and the parking lot would be just a few yards away from what has been a private and lovely space. She stated that they are destroying one-third of the oak trees (four out of twelve trees). She stated that the applicant said this was a "small adjustment" to the zoning map -- but it is not "small" to the property owner on Scott Drive against whose property the cars will be parked. She stated that there were no residences on the east and west sides of the Stith Funeral Home property. The change for the funeral home only impacted one house on Scott Drive and landscaping arrangements were made with that property owner. She stated that "fill-ins" are generally used when there is an undeveloped lot between developed lots. In this case, there is a residence there and they are replacing it. She noted that Mr. Bayer said that they are working hard to save the area in front by putting the parking in the rear -- and that is nice for the city building (which will not be the city building much longer), but it is a negative impact, not a positive impact, for the property to the rear.

Chairman Millay asked if there was anyone else present who wished to speak in opposition to the request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Schaffer asked Staff to address the intensity of the project compared to what would be allowed under the current zoning. Mr. Coleman stated that the front portion of the site, which is approximately .57 acre, is zoned Office and they would be allowed 11,400 square feet of office space, with the required 46 or 47 parking spaces. Mr. Costello added that they would have to meet the setbacks. Mr. Coleman stated that with the additional .37 acre, they could have about 19,000 square feet of office space -- if they can meet the setback requirements.

Mrs. Schaffer stated that it is an attractive project, but they are stuffing it onto the parcel. She stated that on previous applications there have been concerns about the encroachment into residential areas, and the Planning Commission has always been concerned about adjoining property owners. She stated that Staff Concern #1 indicates that the Concept Development Plan does not follow the setbacks and landscaping requirements that were just implemented in the landscaping regulations, and she is concerned about this. She is not sure that she is ready to grant any Waivers in regard to those regulations. She is also concerned about the intrusion into the residential area. She stated that the adjoining property owners' concerns and the traffic need to be addressed.

Mrs. Arnett questioned the buildings on the east and west sides of the lot. Mr. Coleman stated that they are barns.

Mrs. Arnett asked if the Site Plan shows an exit at the back. Mr. Coleman responded "no" and stated that there is nowhere to exit to at the back and there is no place to tie into.

Mrs. Arnett asked if the use is just sales and administrative offices. Mr. McPherson stated that it is administrative sales.

Mrs. Smith asked if the use will be strictly offices -- she stated that it is a construction company, but there cannot be bulldozers and backhoes there. Mr. McPherson agreed and emphasized that it is a professional office.

Mr. Neltner noted that Staff indicated that there is the possibility of fewer parking spaces. He asked if the number of spaces shown is based on the requirements. Mr. Coleman stated that they are proposing 61 spaces, which is the minimum number required based on the square footage of the office building. He questions that they will need that many -- but they would need a Waiver to have fewer spaces.

Mr. Neltner noted that Staff indicated that the applicant intends to seek a Waiver for the setbacks and sideyards. He asked what they plan to offer to make a Waiver acceptable.

Mr. Bayer reviewed the Site Plan. He stated that the building as proposed, if the zone change is granted, meets all of the building setbacks and the issue is the landscaping setback areas. He stated that

they have met with the City of Florence and the Staff, and they will submit a Waiver request for the landscaping. They will ask to have a six-foot high fence to buffer the parking from the residences, instead of a large buffer area. Mr. Neltner asked what kind of fence it would be. Mr. Bayer responded that it would be a wood fence with landscaping on the outside to soften the look of the fence.

Chairman Millay asked if there were any further comments. There being no response, he stated that the Committee Meeting for this item will be on February 9, 1998 at 4 P.M. in the Second Floor Conference Room. This item will be on the Agenda for the Business Meeting on February 18, 1998 at 7:30 P.M..

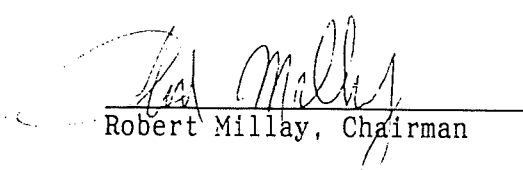
Mr. Bayer asked for rebuttal time. Chairman Millay allowed him to speak.

Mr. Bayer stated that the wood fence would surround the perimeter of the site to screen the adjoining properties. He stated that the "L" shaped property is a barn, not a residence. He stated that on the other side of their site is a residence zoned Office and he indicated the barn on that side. He indicated the newly constructed church. Chairman Millay advised that the Planning Commission has this information and it can be discussed in Committee.

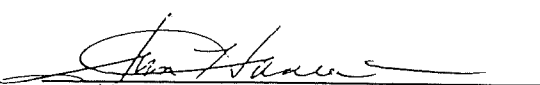
Mrs. Conrad questioned attending the Committee Meeting. Chairman Millay advised that it is not a Public Hearing, but those interested can attend. Whether they can speak or respond to questions would be up to the Chairman of the Committee.

The Chairman closed this Public Hearing.

APPROVED:

  
Robert Millay, Chairman

Attest:

  
Jan Hancock, Recording Secretary

January 28, 1998

EXHIBIT 1

To: The members of Boone County Planning Commission and Florence City Council

*Re: The request of Dale McPherson (applicant) for Ernest E. Steele and Wilma J. Steele (owners) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for 0.37 acres of the 0.94 acre site located at 7430 U.S. 42, Florence, Kentucky, for a zone change for the rear portion of the property to permit a 15,100 square foot office building.*

We, the undersigned, being property owners abutting the above-cited subject property, wish to record our opposition to the proposed zone change referenced above. The proposal, if granted, would extend a business zoning designation and commercial activity far beyond the standard depth along a transportation corridor, and allow it to penetrate deep into a residential area in which the homes have a relatively high property valuation, and which provide significant real estate tax revenues to both the City of Florence and the County of Boone.

This proposal, if granted, would directly impact our properties, allowing a business parking lot to be located just yards from our back doors, thus ruining the degree of privacy that we have. It would negatively impact our property values as well as our quality of life.

Parking lots often attract vehicles, the owners of which are not intending to transact business in the office, but who may find it advantageous to their purposes to park there for any number of reasons, even after normal business hours. This may jeopardize our security as well as the privacy we have in our rear yards. We all know that parking lots are often used for waste receptacles - people empty their ashtrays on the ground or discard the waste paper (or worse) from their vehicles - and this refuse will be carried by the wind into our yards.

Perhaps the applicant has what he will tell you may be a "low impact" business, that is, one for which the normal business hours are limited, and the number of anticipated vehicles low. Please think beyond this. This business may sell to another in a year or two, or three. The next occupant of that property might very well have a heavier impact. Perhaps the applicant will tell you he will erect a fence. But fences deteriorate with time, and are not aesthetically desirable.

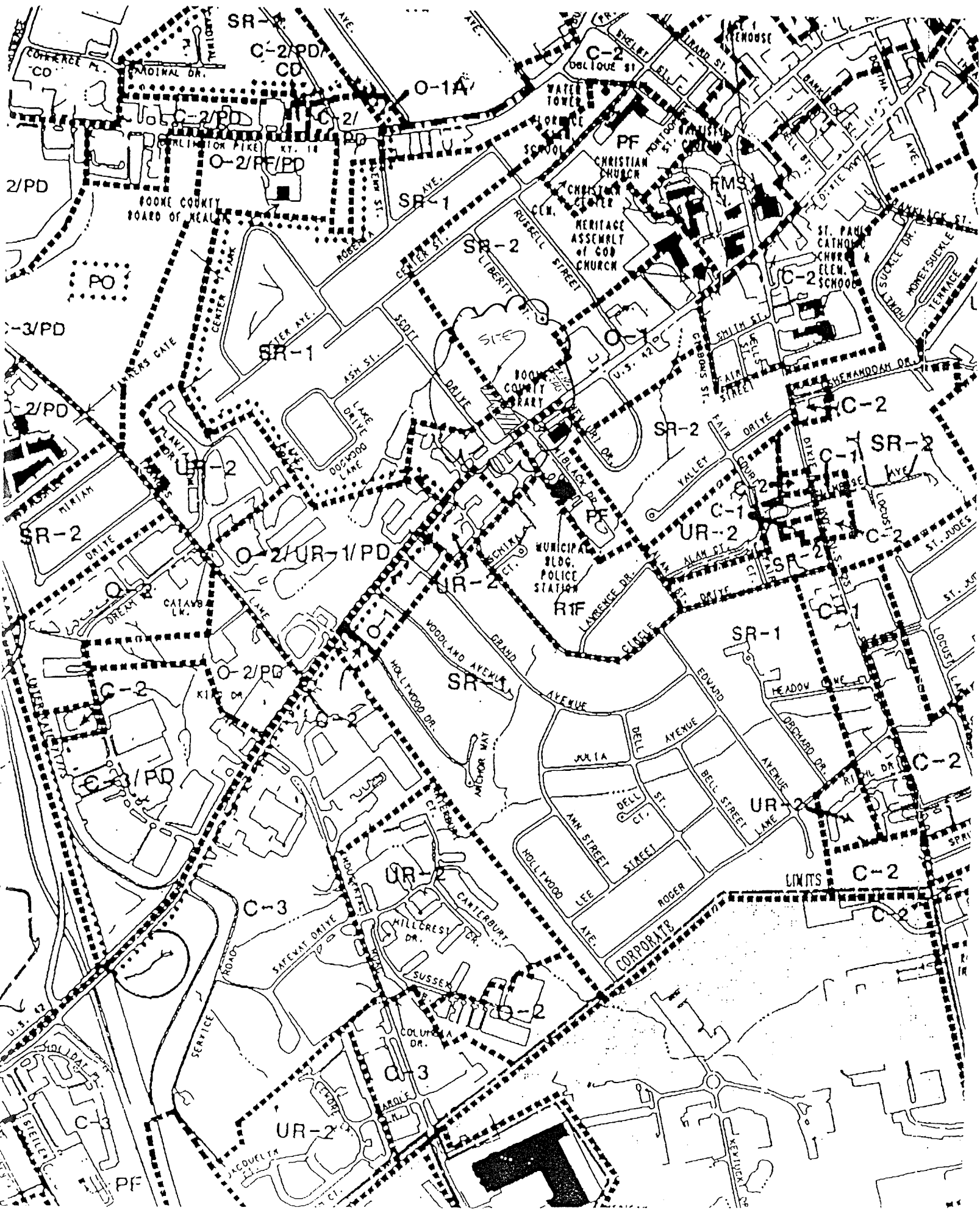
In far too many instances over the past several decades, the needs of Florence residents have been ranked below the desires of the commercial interests that have descended upon our community like buzzards upon carrion. Please don't let this happen again.

*Myrtle Jones*  
Myrtle Jones  
8 Scott Drive

*Frank Helton*  
Frank Helton  
12 Scott Drive

*John T. Stevens*  
John T. Stevens  
10 Scott Drive

*Lucille Stevens*  
Lucille Stevens  
10 Scott Drive



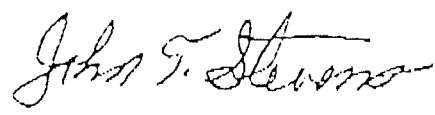
TO: The Boone County Planning Commission  
and The Florence City Council

DATE: January 16, 1998

RE: The request of Dale McPherson (applicant) for Ernest and Wilma  
Steele (owners) for rezoning of 0.37 acres of the .094 acre site  
located at 7430 U.S. 42, Florence, Kentucky from SR-1 to O-1.

Upon further review of the property and the proposed project, including a 15,000 square foot professional office building, as submitted for approval by the developer, we the undersigned would like to rescind our past objection letter and now offer this letter, as complete support for the project as submitted.

We understand that the project includes a cedar fence around the rear parking area with complete landscaping of which we have reviewed. We further add that we have reviewed the existing approved uses under the current zoning, and are much more in favor of the proposed use.



John T. Stevens  
10 Scott Street

**TO:** The Boone County Planning Commission  
and The Florence City Council

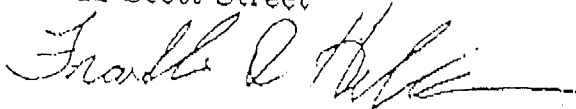
**DATE:** January 16, 1998

**RE:** The request of Dale McPherson (applicant) for Ernest and Wilma  
Steele (owners) for rezoning of 0.37 acres of the .094 acre site  
located at 7480 U.S. 42, Florence, Kentucky from SR-1 to O-1.

Upon further review of the property and the proposed project, including a 15,000 square foot professional office building, as submitted for approval by the developer, we the undersigned would like to rescind our past objection letter and now offer this letter as complete support for the project as submitted.

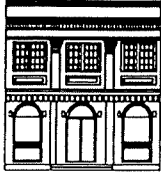
We understand that the project includes a cedar fence around the rear parking area with complete landscaping of which we have reviewed. We further add that we have reviewed the existing approved uses under the current zoning, and are much more in favor of the proposed use.

Frank Helton  
12 Scott Street



# SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail [plancom@one.net](mailto:plancom@one.net)

February 18, 1998

Mr. Jay F. Bayer, P.E.  
Bayer & Becker Engineers  
14 East Eight Street  
Covington, KY 41011

RE: Conditions for approval of the Steel Property request for a Zoning Map Amendment at 7430 US 42, Florence, Kentucky

Dear Mr. Bayer:

The following conditions, as agreed to by the Boone County Planning Commission's Zone Change Committee, serves as the basis for the Committee's recommendation of approval for the requested Zoning Map Amendment for the Steele Property. If you, the applicant, agree to the following conditions, please indicate so by signing at the space provided below and returning this letter to the Planning Commission office by 4:00 P.M., Wednesday, February 18, 1998.

## Conditions

1. The following Office One (O-1) uses, which are permitted in the Boone County Zoning Regulations, shall not be permitted to occur on this site:
  - A. Convenient stores;
  - B. Beauty and barber services and tanning salons;
  - C. Laundering, dry cleaning and dyeing services, including self-service;
  - D. Shoe repair, shoe shining and hat cleaning services;
  - E. Florists;
  - F. Eating and drinking establishments including alcoholic beverages;
  - G. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;

Mr. Jay F. Bayer, P.E.  
Bayer & Becker Engineers  
February 18, 1998  
Page 2

- H. Veterinary services;
  - I. Business colleges or schools;
  - J. Recreation centers, gymnasiums and other related recreational facilities;
  - K. The retail sale of office supplies and equipment;
  - L. Funeral homes and crematoriums excluding cemeteries or mausoleums.
2. The rear parking lot shall be surrounded with landscaping and a solid wooden fence that is constructed to a height of at least six feet as indicated on the proposed Concept Development Plan. Chain link fencing shall not be permitted.
  3. The eight pin oak trees designated to remain on the proposed Concept Development Plan shall remain. The applicant shall take all necessary precautions to save these eight trees when a Site Plan is submitted to the City of Florence and to the Boone County Planning Commission for approval.

Sincerely,

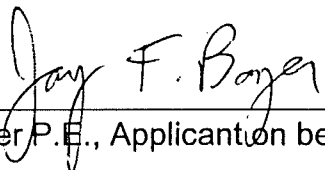


Edward Coleman  
Planner

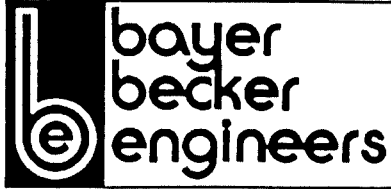
EC\pr

Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment on the Steele Property, located at 7430 US 42, Florence, Kentucky.



Jay F. Bayer P.E., Applicant on behalf of Dale McPherson



14 east eighth street  
covington, ky 41011  
(606) 261-1113  
fax (606) 261-1710

Description: Parcel to be Recorded  
Location: U.S. 42, Florence, Kentucky  
Date: January 6, 1998

Situated in the City of Florence, County of Boone, Commonwealth of Kentucky and being part of an 0.939 acre tract conveyed in Deed Book 303, Page 298 of the Boone County Clerk's Records and more particularly described as follows:

Begin at the South most corner of the above mentioned 0.939 acre tract, said point being in the Northwest right-of-way of U.S. 42 and in the Northeast line of Lot 1, Blue Grass Subdivision as recorded in Plat Book 2, Page 22 of the above mentioned records; thence with the common line of said Lot 1 and the 0.939 acre tract North 42°30'00" West, 200.00 feet to the TRUE POINT OF BEGINNING.

thence from the TRUE POINT OF BEGINNING and continuing with the Southwest line of the 0.939 acre tract North 42°30'00" West, 45.01 feet to a found pipe;

thence North 47°30'00" East, 56.31 feet to a found iron pin;

thence North 42°30'00" West, 147.34 feet to a found pipe;

thence North 47°30'00" East, 68.69 feet to a found pipe at the North most corner of the 0.939 acre tract;

thence with the Northeast line of the 0.939 acre tract South 42°30'00" East, 195.22 feet;

thence with the existing SR-1 / O-1 Zone line South 48°49'00" West, 125.02 feet to the TRUE POINT OF BEGINNING.

Containing 0.37 acres of land and subject to all easements and rights-of-way of record.

The above description was prepared by Chris R. Gephart, Registered Land Surveyor #3292 in the Commonwealth of Kentucky, January 1998. This description is for zoning purposes only and is not suitable for property transfer, monuments will not be set.

Prior Instrument Reference: Deed Book 303, Page 298.

ORDINANCE NO. 0-8-98

AN ORDINANCE ADOPTING AND APPROVING A REZONING ON AN APPROXIMATE 0.37 ACRES WHICH IS PART OF A LARGER 0.94 ACRE SITE LOCATED AT 7430 U.S. 42 IN THE CITY OF FLORENCE, KENTUCKY, THIS ZONING CHANGE BEING FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO OFFICE ONE (O-1) TO ALLOW AN OFFICE BUILDING. (MCPHERSON-STEELE PROPERTY)

WHEREAS, the City of Florence, Kentucky, is a member of a county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission has recommended that a request for a zone change for an approximate 0.37 acres, which is a part of a larger 0.94 acre site to Office One (O-1) from Suburban Residential One (SR-1) be approved, subject to agreed conditions and a concept development plan, and

WHEREAS, the recommendation of the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution of recommendation, all of which have been reviewed by the City Council of Florence, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

**SECTION I**

That the requested zone change for the approximate 0.37 acres, which is a part of a larger 0.94 acre site, located at 7430 U.S. 42 in Florence, Kentucky, shall be and is hereby approved to rezone this 0.37 acres from its present zoning of Suburban Residential One (SR-1) to Office One (O-1), subject to an agreed development plan and conditions. This real estate is more particularly described in Exhibit "A", attached hereto and incorporated herein as if fully set out. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the rezoning of the 0.37 acres herein.

**SECTION II**

This approval is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the committee report of that commission, which is attached, marked Exhibit "B", and incorporated herein as if fully set out. Further, this approval is subject to the owner/applicant agreeing to the conditions set forth in the committee report. In addition, this approval is subject to the findings and recommended conditions of the Boone County Planning Commission and the development plan to which the

owner/applicant has agreed. This approval herein is based upon the findings of fact set forth in the Boone County Planning Commission committee report (Exhibit "B").

### SECTION III

If this approval of this zone change should be held invalid, in whole or in part, by any Court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map and comprehensive plan provisions as they are severable from this Ordinance and they are intended to continue to have effect regardless of any invalidity regarding this particular zone change approval.

### SECTION IV

Publication of this Ordinance is hereby authorized to be by summary publication, in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS 28<sup>th</sup> DAY OF April, 1998.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 12<sup>th</sup> DAY OF May, 1998.

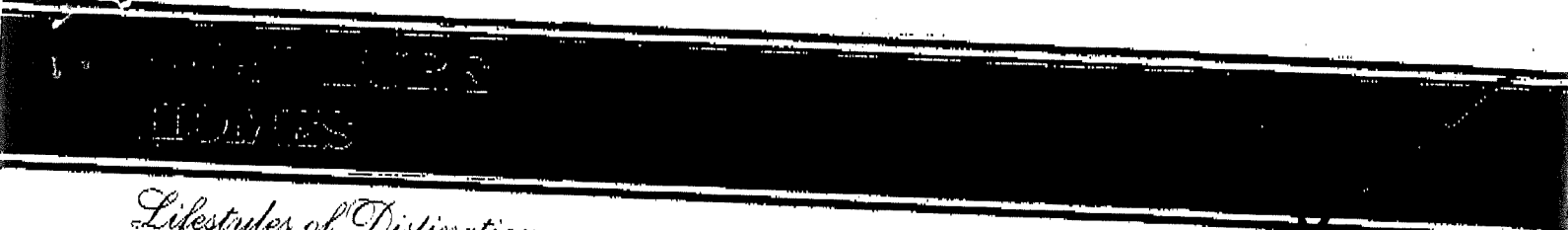
APPROVED:

Evelyn J. Kell  
MAYOR

ATTEST:

Patricia Conrad  
CITY CLERK

0-8-98



*Lifestyles of Distinction*

297 Buttermilk Pike - Ft. Mitchell, KY 41017

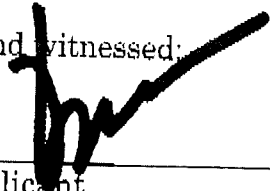
Date: April 27, 1998

To: City of Florence  
Fr: Signature Homes of Northern Kentucky, Inc.

Re: Rezoning application for 7340 U.S. Route 42 -Steele property  
Signature Homes of Northern Kentucky, Inc.

The applicant, Signature Homes of Northern Kentucky, Inc. , as a condition of the rezoning application as submitted , and the city of Florence, agrees that the following two conditions shall be incorporated into the zoning ordinance granting the requested zone change.

- 1). Applicant and developer will provide to The Northern Kentucky Church of Christ a one hundred year lease at a cost of \$1.00 for full use of the project parking facilities as overflow Church parking. This lease will be transferred with the deed of the project in the event project is sold. Applicant and developer will also provide the connection as required for this use in a residential manner, as acceptable to the Church.
- 2). Applicant and developer will diligently proceed to acquire title to the Helton property (#12 Scott Street) in accordance with the purchase contract terms, and further agree that they will not submit the Helton property (#12 Scott Street) for a rezoning to O-1 at any time subsequent to the purchase of the property *and that the property will remain as a single family residence.*

Signed and witnessed:  


Applicant  
Signature Homes of Northern Kentucky, Inc.

City of Florence

**The Signature Group**

Signature Homes 344-1997	Designer Properties 344-1379	Signature Remodeling 344-1997
-----------------------------	---------------------------------	----------------------------------